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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. DIAGNOSTICS, INC.,

Plaintiff,

Case No. 08 CV 003
(Judge Baer)

against-

NOTICE OF MOTION

HOME AIDE DIAGNOSTICS, INC.,

Defendant.

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TO: Mitchell A. Stein
Stein Law, P.C.
24 Woodbine Avenue, Suite #4
Northport, NY 11768
Attorneys for Defendant

PLEASE TAKE NOTICE that on June 18, 2008, at 9:00 or as soon thereafter as counsel may be heard, Cox Padmore Skolnik & Shakarchy LLP, attorneys for plaintiff U.S. Diagnostics, Inc. ("USD") shall move before the Honorable Harold Baer, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, for an Order, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, to strike a untimely answer filed by defendant Home Aide Diagnostics, Inc., and pursuant to Rule 55(b)(3), granting USD a default judgment on the issue of liability, and allowing discovery to proceed and an inquest to be had on the issue of damages, and granting such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that USD shall rely upon the accompanying Memorandum of Law and the Declaration of Sanford Hausler in support of its motion.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is being submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: May 23, 2008

A handwritten signature in black ink, appearing to read "Sanford Hausler", written over a horizontal line.

Sanford Hausler
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